

REMARKS

1 The amendments are an earnest effort to place the application in condition
2 for allowance. In view of the following remarks, Applicant respectfully requests
3 entry of the amended claim language, reconsideration of the application, and
4 allowance of the subject application. The Applicant appreciates the Examiner
5 Willett's telephone interview conducted on April 28, 2003 with the Applicant's
6 Attorney Glenn Foster, during which the scope of claims were discussed. No
7 agreement was reached during the Interview as to allowable subject matter. This
8 amendment is believed to be fully responsive to all issues raised in the December
9 24, 2002 Office Action.

Rejection of the Claims

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11 In the Office Action, claims 1-34 were rejected under 35 U.S.C. § 103(a) as
12 being unpatentable.

13 Applicant respectfully requests reconsideration and allowance of the
14 subject application. Claims 1, 2, 15, 26, 29, and 33 are amended by this response
15 to the final rejection. Claims 1 to 34 remain pending in this application.
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35 U.S.C. § 103

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18 In the Office Action dated December 24, 2002, claims 1-34 stand rejected
19 under 35 U.S.C. § 103 as being unpatentable over the Kathail et al (U.S. Patent
20 Number 5,802,365, hereinafter the Kathail patent) in view of Cavill (U.S. Patent
21 Number 6,003,069, hereinafter the Cavill Patent). Applicant respectfully traverses
22 the rejection because the Kathail patent in combination with the Cavill patent, fails
23 to teach or suggest the concepts taught in claims 1 to 34.
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The Applicant now distinguishes each claimset in order:

To distinguish the Kathail/Cavill combination from **claim 1**, as amended, the Applicant emphasizes that there is no suggestion in either the Kathail patent nor the Cavill patent to use “the driver identifier to select a closest matching driver of a plurality of drivers to install at the server”, and to install “at the server, the selected driver in order to enable applications executing on the server to print to the printer using the installed driver”.

Applicant describes the terms “client” and “server” as typically used in computer systems in a manner that has gained a general acceptance. The usage of these terms is reflected, for example, in Fig. 1 (and described in page 5 line 7 to page 6 line 9) of the present disclosure. The Applicant emphasizes the Kathail patent does not suggest positioning a driver at a server. The Kathail patent uses the word “client” to describe a client of a printer driver (such as an application) instead of a client under the client/server meaning of the word as in the present application.

Kathail describes the term “client” as a client of the device driver, but not a client of the server-client environment (column 31, lines 20-27). The term “server” does not even exist in the Kathail patent. By comparison, the term “client” as claimed within the present application relates to a client-server computer system, and describes quite distinctly what printing aspects are performed at the client and what printing aspects are performed at the server. Applicant submits that Kathail’s Dynamic Matching Device does not teach the server-client environment of the present disclosure. The Applicant asserts that there is no server side suggested in Kathail largely because the computer is not

1 necessarily a client nor a server as claimed in the client/server system of the
2 present disclosure.

3 In considering the Cavill patent, the Applicant notes that while Cavil does
4 show a client/server system, there is no teaching of selecting at least one of the
5 plurality of printer drivers for installation at the server in order to enable
6 applications executing on the server to print to the printer using the installed
7 driver.

8 To provide this interaction to effect printing between the client and the
9 server, however, Cavill configures the printer driver in a manner that is
10 inconsistent with claims 1-34 of the present disclosure. Cavill states "Under the
11 present invention, if the driver is written in a platform independent language such
12 as the Java® programming language, then the same driver software can be used on
13 any NC device that supports the Java Virtual Machine (JVM) definition. The only
14 additional requirement for this platform independence is the definition of a
15 common API that is the source of the graphics and text primitives" (column 3,
16 lines 51-57). Cavill therefore teaches platform independence in his system. There
17 is no suggestion in the Cavill patent, however, of selecting at least one of the
18 plurality of printer drivers for installation as claimed in claim 1.

19 One skilled in the art upon considering Cavill would not know which
20 printer driver to select nor where (in the claimed client/server system) to install the
21 driver. This claimed feature is therefore lacking in both the Kathail patent and the
22 Cavill patent. The Applicant therefore contends that maintaining the present
23 rejection considering this art of record requires the use of impermissible hindsight,
24 since this claimed feature is not taught nor suggested by either reference relied on
25 in the Office Action dated December 24, 2002.

Further, claim 1 includes the language “receiving at the server a print request from the client for a driver identifier for a printer that is attached to the client and can print information at the client”. The Kathail patent does not disclose using a driver in a client-server environment, and as such does not suggest receiving at the server a print request from the client for the driver identifier for a printer that is attached to the client and can print information at the server. The Cavill patent, which does include a server, does not receive a print request from the client for the driver identifier for a printer that is used to select a closest matching driver of a plurality of drivers to install at the server. Instead, Cavill’s driver is written in a platform independent language, and therefore does not require a server to select a closest matching driver. Any suggestion to one having ordinary skill in the art to provide the claimed aspects of claim 1 is provided by the teachings of the present disclosure.

Combining the Kathail patent and the Cavill patent (to provide the Kathail/Cavill combination) would not overcome their lack of teaching of present claim 1. One having ordinary skill in the art, upon considering the Kathail patent, would not have applied the specific computer to a client or a server in a client-server environment. The Cavill patent does not teach “selecting a closest matching driver of a plurality of drivers to install” as claimed in claim 1. Instead, Cavill writes a printer driver based on platform independence. There is no teaching to combine the teachings of the Kathail patent (selecting a printer driver in a single system) with the teachings of the Cavill patent (printing on a client/server system where the installed printer driver is platform independent) to yield the present disclosure as claimed. As such, the platform independence

1 requirement of Cavill would destroy any teachings of Kathail to select one printer
2 driver from a plurality of printer drivers.

3 Applicant submits that claims 2 to 14 define over the art of record for at
4 least the reasons provided since they are each dependent claims that depend from,
5 and therefore include the claimed limitations of, independent claim 1. Claims 2 to
6 14 define over the art of record at least because of their dependency from claim 1.

7 Considering the claim 5 language "if a particular driver of the plurality of
8 drivers has a corresponding driver identifier that is the same as the received driver
9 identifier, then selecting that driver to install at the server." There is no suggestion
10 in the Kathail patent to disclose a server. There is no suggestion in Cavill of how
11 to select a driver from a plurality of drivers that would be installed at a server
12 since Cavill teaches using a driver with platform independence.

13 Relating to the **claim 15**, there is no suggestion in either the Kathail patent
14 nor the Cavill patent (or the combination thereof) to automatically select at least
15 one of a plurality of drivers corresponding to a peripheral device attached to the
16 client, and then to install, at the server, the selected at least one driver. Several
17 reasons why there is no suggestion have been described above relative to claim 1.

18 Claim 15 includes the language "installing, at the server, the selected at
19 least one driver wherein the server can interface with the peripheral device using
20 the driver to cause the selected at least one driver to perform an action at the
21 peripheral device using the driver". The Kathail patent does not specifically
22 include a server, and as such does not suggest installing a driver at a server. The
23 Cavill patent does not install at the server the selected at least one of a plurality of
24 drivers to perform an action at the peripheral device using the driver. Instead,
25 Cavill's driver is written in a platform independent language, and therefore does

1 not require a server to select a closest matching peripheral device. The only
2 suggestion in the Kathail/Cavill combination upon considering the present
3 disclosure to one having ordinary skill in the art to provide a peripheral device
4 (e.g., a printer) attached to a client as suggested by the teachings of claims 1-34.
5 Since the present claims as applied to the disclosure does not require a platform
6 independent language, the teachings of the Cavill patent, as would be used to
7 modify the Kathail patent, teach away from claim 15.

8 Applicant contends that claims 16 to 25 define over the art of record for at
9 least the reasons provided since they are each dependent claims that depend from,
10 and therefore include the claimed limitations of, independent claim 15. Applicant
11 has already indicated why claim 15 distinguishes over the Kathail/Cavill
12 combination. Further reasons why these dependent claims distinguish are now
13 described in order.

14 There is no suggestion in the Kathail/Cavill combination to recite
15 automatically selecting a driver within a client/server computer system as taught
16 by claim 15 of the present disclosure. As such, there is no teaching in the
17 Kathail/Cavill combination to suggest receiving a driver identifier from the client.
18 As to claim 17, there is no teaching in the Kathail/Cavill combination to access a
19 library at the server to use the driver identifier (the using includes selecting a
20 closest matching driver as recited in claim 15) since the Kathail patent does not
21 disclose a client/server configuration, and the Cavill patent does not disclose
22 selecting the closest matching driver.

23 Relative to claim 18, there is no teaching to check whether any of the
24 plurality of drivers has a driver identifier that is the same as the recited driver
25 identifier, and installing that driver at the server. The Kathail patent does not

1 show a client/server configuration, and Cavill does not show installing the driver
2 that has a given driver identifier at the client. Several reasons why there is no
3 suggestion for the rejection based on the combination have been described above
4 relative to claim 1.

5 To distinguish **claim 26**, as amended, from the Kathail/Cavill combination
6 several reasons why there is no suggestion for the rejection based on the
7 combination have been described above relative to claim 1. Additionally, the
8 Applicant emphasizes that there is no suggestion in either the Kathail patent nor
9 the Cavill patent to "receive a printer driver identifier for a printer attached to a
10 client," and then use the printer driver identifier to select one of a plurality of
11 printer drivers to install at the server. The Kathail patent does not specifically
12 include a server, and as such cannot receive the driver identifier for a printer
13 attached to the client at the server.

14 The Cavill patent, which does include a server, does not receive a driver
15 identifier for a printer that is used to select one of a plurality of drivers to install at
16 the server. Instead, Cavill's driver is written in a platform independent language,
17 and therefore does not require a server to select one of a plurality of drivers. The
18 only suggestion in the Kathail/Cavill combination upon considering the present
19 disclosure to one having ordinary skill in the art to provide a printer attached to a
20 client is provided by the teachings of the present disclosure. The Cavill patent
21 installs at the server "a driver written in platform independent language." Since
22 the present disclosure as claimed does not require a platform independent
23 language, the Cavill patent teaches away from claim 26 as claimed. As such,
24 maintaining the rejection based on the Kathail/Cavill combination is improper.
25

1 Applicant contends that claims 27 and 28 define over the art of record for at
2 least the reasons provided since they are each dependent claims that depend from,
3 and therefore include the claimed limitations of, independent claim 26. Applicant
4 has already indicated why claim 26 distinguishes over the Kathail/Cavill
5 combination.

6 To distinguish **claim 29**, as amended, from the Kathail/Cavill combination
7 several reasons why there is no suggestion for the rejection based on the
8 combination have been described above relative to claim 1. Additionally, claim
9 29 includes the language “a driver matching module to select at least one of the
10 plurality of printer drivers to be installed at the server to enable a printer attached
11 to the client, the selected at least one printer driver corresponding to the printer
12 attached to the client to perform a printing action at the printer”. The Kathail
13 patent does not specifically suggest using a combined server computer or a client
14 computer since only one computer selects the printer driver. The Cavill patent
15 installs at the server “a driver written in platform independent language.” Since
16 the present disclosure does not require a platform independent language, the Cavill
17 patent teaches away from the presently claimed disclosure of installing the
18 selected printer at the server in order to enable the selected printer. The only
19 motivation for one having ordinary skill in the art to provide the Kathail/Cavill
20 combination to “select a printer driver for installation at the server, the printer
21 driver corresponding to a printer attached to a client” is provided by the teachings
22 of claim 29 and the disclosure.

23 Applicant contends that claims 30, 31, and 32 each define over the art of
24 record for at least the reasons provided since they are each dependent claims that
25 depend from, and therefore include the claimed limitations of, independent claim

29. Applicant has already indicated why claim 29 distinguishes over the Kathail/Cavill combination. Further reasons why these dependent claims distinguish are now described in order.

Claims 30, 31, and 32 each include conditional language similar to "if a ..., then install that printer driver at the server." The Kathail patent does not show a driver applied to a server (or a client) that is arranged in a client/server configuration. The Cavill patent does not teach installing a selected printer driver at the server. The Kathail/Cavill combination teaches away from installing one of a plurality of printer drivers at the server for printing at the client.

To distinguish **claim 33**, as amended, from the Kathail/Cavill combination several reasons why there is no suggestion for the rejection based on the combination have been described above relative to claim 1. Claim 33 includes the limitations:

a client computer having a local printer attached thereto; and
a server computer coupled to the client computer via a network, wherein the server computer includes:

...selecting that particular printer driver without regard for whether that particular printer driver has a corresponding driver version that is the same as a driver version received as part of the printer driver identifier for installation on the server computer in order to enable the local printer to print.

The Kathail patent does not specifically suggest using a server computer or a client computer since the computer that selects the printer driver is the one that is attached to the printer. The Cavill patent installs a driver written in platform independent language at the server. Since claim 33 does not require a platform independent language, the Cavill patent teaches away from the teachings of present claim 33.

Applicant submits that claim 34 defines over the art of record since it is a dependent claim that depends from, and therefore includes the claimed limitations

1 of, independent claim 33. The Applicant has already indicated why claim 33
2 distinguishes over the Kathail/Cavill combination.

3 Claims 34 includes the language wherein the client computer transmits the
4 printer driver identifier to the server computer. The Kathail patent does not show
5 a computer system segmented into client computers and server computers. The
6 Cavill patent does not suggest transmitting a printer driver. The Kathail/Cavill
7 combination teaches away from transmitting the printer driver to the server.

8 New claims 35-41 are added by this amendment. Consideration and entry
9 of these claims are requested. Claim 35 is includes the preamble "computer
10 readable medium having computer executable instructions, which when executed
11 by a processor, causes the processor to...". Otherwise, the language is similar to
12 claim 1. For this reasons, Applicant submits that claim 35 should be allowed for
13 at least the reasons described above relative to claim 1. In addition, claims 36 to
14 40 which depend from claim 35 should be allowed for at least the reasons
15 described above relative to claim 1 and its dependent claims.

16 New claim 41 is added which depends from claim 1, and includes the
17 further limitations "wherein the selecting a closest matching driver includes
18 applying an exact match technique, a driver name mapping technique, and a close
19 match technique and considering the results from these techniques". These
20 matching and mapping techniques are described in the disclosure on page 12, lines
21 5 to 14. As such, reconsideration and allowance of new claims 35-41 is requested
22 for at least these reasons.

23 Conclusion

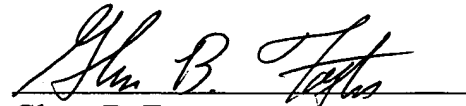
24 Claims 1-41 are in believed to be in condition for allowance for at least the
25 reasons described above. Applicant respectfully requests reconsideration and

1 prompt issuance of the present application. Should any issue remain that prevents
2 immediate issuance of the application, the Examiner is encouraged to contact the
3 undersigned attorney to discuss the unresolved issue.

4 Respectfully Submitted,

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